

# Guidance for Preparing Local (Jurisdictional) Disaster Emergency Declarations (APR 2011)

- What: A Disaster Emergency, Under Idaho Code Section 46-1002:
1. Means imminent threat or occurrence of widespread or severe damage, injury, or loss of life or property. This is the primary factor in considering the enactment of a disaster emergency declaration at both the local and the state level.
  2. Results from any natural or man-made cause, including, but not limited to:
    - a. Natural Events: Drought, earthquake, fire, avalanche, snow/ice/hail, windstorm, disease, eruption, landslide/mudslide, dust storms and lightning storms.
    - b. Man-Made Events: Hazardous materials release, explosion/fires, transportation accidents, building/structure collapse, power/utility failure fuel/resource shortage, strikes, business interruption, financial collapse, terrorism, sabotage, hostage situations, civil unrest, and enemy attack.

Who: Under Idaho Code Section 46-1011, a local disaster emergency may be declared only by a mayor or chairman of the county commissioners within their respective political subdivisions. It shall not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the governing board of the political subdivision (Board of County Commissioners or City Council). Any order or proclamation declaring , continuing , or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the local county recorder.

The Board of County Commissioners or the City Council may approve a declaration for any period, even longer than 7 days to cover necessary disaster response and recovery activities/operations, under Section 46-1011, Idaho Code. It is recommended a declaration be made for at least a 30-day period. The jurisdiction enacting a local disaster emergency declaration should provide an informational copy of that declaration to the Idaho Bureau of Homeland Security (BHS) so that BHS, as the responsible State Agency for Emergency Management, will have situational awareness of disaster emergency events taking place within the State.

Why:

1. Idaho Code 46-1011 (2) states: The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all

applicable local or intergovernmental disaster emergency plans and to authorize the furnishing of aid and assistance there under.

2. A declaration at the City or County level enables these jurisdictions to activate their respective Emergency Operations Plans (EOP) and legally act in accordance with those plans to deal with the stated emergency/disaster incident. City/County EOPs should not be a general template of actions. City/County EOPs should be written to specifically address the unique operating environment found within a City or County. This may include, but is not limited to, the following :

- a. Allowing responding agencies in disaster emergencies to use their established budgets, personnel, equipment, and resources per their disaster emergency plan.
- b. Allowing a County or City to issue emergency warrants, execute expedited contracting procedures and borrow funds for emergency response and recovery costs.
- c. Allowing for expedited jurisdictional (City or County) decision making in responding to the emergency to save lives and property in accordance with the local disaster emergency plan.
- d. Providing immunity for the local (City or County) government and its employees and contractors for death, injury or property damage occurring, due to the response actions during the period of the declared disaster emergency, except for willful misconduct or gross negligence.

When: A disaster emergency occurs or is threatened.

Where: A declaration should include those geographical areas within the jurisdiction of the authority declaring the disaster emergency that are directly impacted by the disaster emergency event as well as surrounding areas likely to be impacted by the event

How: The following checklist can be used by City and County officials and their emergency coordinators in making a local disaster emergency declaration.

1. Do the conditions creating the need for a declaration comply with the definition of a disaster emergency in Section 46-1002, Idaho Code?
2. Has the emergency coordinator recommended a declaration?
3. Has the Idaho Bureau of Homeland Security been notified by the jurisdiction emergency coordinator of a disaster emergency in the jurisdiction?
4. Is it anticipated that there will be a need to issue emergency warrants or borrow emergency funds or are approved and budgeted funds to be used in the disaster emergency?
5. Is a liability issue expected to surface in the response and recovery of this disaster emergency?
6. Is obtaining temporary easements, access or right of ways expected?

7. Has the public within the declaring jurisdiction been notified of the disaster emergency and actions to be taken, if any?
8. Are local resources adequate to deal with the disaster emergency or is there an immediate or anticipated need for specific State assistance (via Requests for Assistance-RFA)?
9. Does the declaration contain:
  - a. Nature/description of the disaster (event/incident) to include contributing factors?
  - b. Area or areas impacted or endangered?
  - c. Area subject to the order or proclamation?
  - d. Description of what is endangered as defined by Idaho Code i.e. lives, property, extent of damage etc.?
  - e. A request for a supporting State proclamation of disaster emergency because the disaster emergency event is of such a magnitude that the local jurisdiction has insufficient resources to effectively respond and/or recover.
  - f. The signature of the appropriate jurisdictional official i.e. Commission Chair or Mayor.
10. Has a copy of the declaration been filed with the County recorder?
11. Has a copy of the declaration been sent to BHS?
12. If jurisdictional resources are determined to be inadequate to deal with the event, has BHS been notified as to what specific type of assistance is required by the affected jurisdiction and does the jurisdictional declaration of disaster emergency contain a request for a supporting State declaration of disaster emergency?
13. If the jurisdictional declaration has been modified, continued or renewed, was a copy provided to BHS?
14. If the disaster declaration has been terminated, was a copy provided to BHS?

**Reminders:**

1. Make sure your declaration is not a “cut and paste” document from a generic template but is a document that reflects the situation and is specific in describing the event to include a request for a supporting state declaration - if appropriate. Only include language requesting a supporting state declaration if there are inadequate jurisdictional resources to deal with the event. (See the attached “Sample” Disaster Declaration Resolution)

2. When a supporting state declaration is requested in the jurisdictional declaration, include language in the declaration that describes resource shortfalls and the assistance which will be requested to address those shortfalls. Remember to follow-up, once a supporting State Declaration has been signed by the Governor, with specific RFAs (Requests for Assistance) to BHS.

3. Remember that disaster assistance from the State is provided on a cost share basis. Jurisdictions receiving assistance from the State are expected to share costs associated with that assistance. Cost Share will be determined as part of the State Declaration Process. Along with the Cost Share, there may be a cost limit on available State fiscal assistance.

4. Since the primary factors in proclaiming a State Disaster Emergency are Imminent Danger and Resource Shortfalls, be prepared to discuss these in detail i.e. population at risk, property values at risk, economic injury etc. with BHS as BHS works with the Governor's office for approval of a supporting State Declaration. See the example fiscal lay down - attached

5. The State declares on behalf of a County Jurisdictional request. If the disaster emergency only involves a City, it is up to the City and the County in whose boundaries that City resides to determine if there will be a County disaster emergency declaration on behalf of the City.

# Disaster Declaration Resolution

WHEREAS, there is a threat to life and property in Blaine County as the result of \_\_\_\_\_ ; and  
(nature of the event/incident)

WHEREAS, the \_\_\_\_\_ area is affected; and

WHEREAS, the \_\_\_\_\_ is threatening \_\_\_\_\_ ; and  
(event) (area threatened)

WHEREAS, a local disaster emergency as defined in Section 46-1002, and 46-1011 Idaho Code is in existence in Blaine County, due to the imminent threat to life and property: \_\_\_\_\_  
(describe the values under imminent threat)

created by existing and potential \_\_\_\_\_ ; and  
(event)

WHEREAS, Section 46-1011, Idaho Code, authorizes the Commissioners of the County of Blaine, Idaho to declare a local disaster emergency to authorize the furnishings of aid and assistance, there under;

NOW THEREFORE, be it resolved and declared by the Blaine County, Idaho Board of Commissioners, as follows:

1. A disaster emergency is hereby declared to exist within Madison County created by \_\_\_\_\_ creating an imminent threat to life, property, public utilities, etc.
2. These conditions require the activation of the response and recovery aspects of all applicable local disaster emergency plans; and
3. ***Such disaster may require State emergency assistance to supplement local efforts to protect, rehabilitate and replace public property and to provide a coordinated multi-agency effort to mitigate, avert and lessen the threat and impact of the disaster. (Only include this if jurisdictional resources are inadequate to deal with the event. If this statement is included, describe the resource shortfall and what will be requested. Do not include this statement if jurisdictional resources are adequate to deal with the event)***

Adopted unanimously in open special session this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by those Commissioners subscribing their names hereto.

COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_, Chairman

\_\_\_\_\_, Member

\_\_\_\_\_, Member

ATTEST:

\_\_\_\_\_, Clerk